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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,996	07/25/2003	William J. Fumas	WJF-1	2237
7590	10/05/2005		EXAMINER SINGH, RAMNANDAN P	
Spencer T. Smith 53 Silver Brook Lane North Granby, CT 06060			ART UNIT 2646	PAPER NUMBER

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,996

Applicant(s)

FURNAS, WILLIAM J.

Examiner

Ramnandan Singh

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. Figures 1-6 should be designated by a legend such as --Prior Art-- because only they which are old are illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-3 are objected to because of the following informalities:

Claim recites the limitation "to turn **of** a ring" in lines 8-9. Change the term "to turn **of** a ring" to the term "to turn **off** a ring". A similar thing holds for claim 2 in line 10, and for claim 3 in line 13.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 5-6, 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Pederson et al [US 4,017,683].

Regarding claim 1, Pederson et al teach a communication device shown in Figs. 1 and 2, comprising:

means (i.e. receiver 40) for receiving a call signal from a remote source (20) [col. 8, lines 9-15];

an audible ring generator (51) for activating a ring signal responsive to the receipt of the call signal [col. 5, lines 52-57];

deactivation means (i.e. reset circuit 62) for turning off an activated ring signal [col. 6, lines 21-24; col. 14, lines 22-28]; and

means for operating the deactivation means to turn off a ring signal by striking the communication device [col. 18, lines 42-54].

Claim 5 is essentially similar to claim 1 and is rejected for the reasons stated above.

Regarding claim 2, Pederson et al further teach the communication device, wherein the means for operating the deactivation means to turn off a ring signal by striking the communication device comprises

signal generating means (i.e. audible device driver 52) for generating a struck signal when the communication device is struck,

processing means for receiving a generated struck signal and producing a control signal [col. 5, line 58 to col. 6, line 20], and

ringer control means for actuating the means for operating the deactivation means to turn of a ring signal by striking the communication device upon the receipt of a control signal [col. 18, lines 42-54].

Claim 6 is essentially similar to claim 2 and is rejected for the reasons stated above.

Regarding claim 8, Pederson et al further teach the device, wherein the action taken after the contact has been detected is programmable [Figs. 3, 9; col. 21, lines 39-49].

Regarding claim 9, Pederson et al further teach the device, where there is a pattern of interaction from the user to select a programmable action by the device [Fig. 1; elements 21].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2646

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson et al as applied to claims 1 and 5 respectively above, and further in view of Yiu et al [US 20040161101 A1].

Regarding claim 3, Pederson et al further teach the communication device, wherein the means for operating the deactivation means to turn off a ring signal by striking the communication device comprises

signal generating means (i.e. audible device driver 52) for generating a struck signal when the communication device is struck,

processing means for receiving a generated struck signal and producing a control signal [col. 5, line 58 to col. 6, line 20], and

ringer control means for actuating the means for operating the deactivation means to turn off a ring signal by striking the communication device upon the receipt of a control signal [col. 18, lines 42-54].

Although Pederson et al teach sensing the source of each of off-normal conditions using sensing circuit (22) [Figs. 1, 2; col. 5, line 65 to col. 6, line 20], they do not teach expressly identifying a microphone as a source. However, the microphone as a source of acoustic noise and echo is well-known in the art.

Yiu et al [US 20040161101 A1] teach a microphone (6) as a means (i.e. source) for receiving environmental noise [Figs. 1-2; Para: 0006-0008].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to identify the microphone source of Yiu et al and identify the microphone as one of the sources of Pederson et al in order to take this into account of designing a control signal in the Pederson's communication device.

Claim 7 is essentially similar to claim 3 and is rejected for the reasons stated above.

7. Claims 4 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson et al as applied to claims 1 and 5 respectively above, and further in view of Awada et al [US 20030092428 A1].

Regarding claim 4, Although Pederson et al teach their invention for a communication device [Figs. 1-2; col. 8, lines 9-15], they do not teach expressly the communication device as a mobile phone.

Awada et al teach a communication device wherein the communication device is a mobile phone [Figs. 1-2; Para: 0004].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the mobile phone of Awada et al as the communication device of Pederson et al because mobile phones have proven a very beneficial tool for people to exchange information when away from the home or office [Awada et al; Para: 0008].

Claim 10 is essentially similar to claim 4 and is rejected for the reasons stated above.

Regarding claim 11, Awada et al further teach the device, wherein the device is a personal digital assistant (PDA) [Fig. 2; Para: 0027].

Regarding claim 12, Awada et al further teach the device, wherein the device is a personal mobile device [claim 14].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramnandan Singh
Examiner
Art Unit 2646



SINH TRAN
SUPERVISORY PATENT EXAMINER